

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

BRIAN K. HILLIARD
PAMELA S. HILLIARD

Case No. 20-21066-GLT

Chapter 13

Debtor(s).

Related to Docket No. 47

STIPULATED ORDER MODIFYING PLAN

WHEREAS, this matter is being presented to the Court regarding

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]:

- ☒ a motion to dismiss case or certificate of default requesting dismissal
- ☒ a plan modification sought by: Debtors
- ☐ a motion to lift stay
as to creditor _____
- ☐ Other: _____

WHEREAS, the parties having agreed to settle the matter above conditioned on the terms herein, based on the records of the Court, and the Court being otherwise sufficiently advised in the premises; and there being no adverse impact upon other parties by way of this action, thus no notice is required to be given; now therefore

IT IS HEREBY ORDERED that the

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]

- ☒ Chapter 13 Plan dated March 18, 2020
- ☐ Amended Chapter 13 Plan dated _____

is modified as follows:

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]

- ☒ Debtor(s) Plan payments shall be changed from \$ 1292.00 to \$1600 per month, effective 11/01/2021; and/or the Plan term shall be changed from months to months.

- ☐ In the event that Debtor(s) fail(s) to make any future Chapter 13 Plan payments, the Trustee or a party in interest may file with the Court and serve upon Debtor(s) and Debtor(s)' Counsel a notice of default advising the Debtor(s) that they have 30 days from the service of the notice in which to cure any and all defaults in payments. If Debtor(s) fail(s) to cure the defaults in payments after having been provided notice under the provision of this Stipulated Order, then the Trustee or a party in interest may submit an Order of Dismissal to the Bankruptcy Court along with an affidavit attesting to a failure to make Plan payments, and the proceedings or case may thereafter be dismissed without prejudice and without further hearing or notice.
- ☐ Debtor(s) shall file and serve _____ on or before _____.
- ☐ If any of the foregoing is not completed by the date specified, the case may be dismissed without prejudice without further notice or hearing upon the filing by the Trustee of an Affidavit of Non-Compliance.
- ☐ If any of the foregoing is not completed by the date specified, the automatic stay as to the property described as _____ may be lifted without further notice or hearing upon the filing by the Creditor herein of an Affidavit of Non-Compliance.
- ☒ Other: Bank of New York Mellon claim #7 governs, following all allowed payment changes filed to date.

IT IS FURTHER ORDERED that to the extent any creditor opposes the relief contained herein, such creditor must file an objection to the same within fourteen (14) days hereof. Should such an objection be timely filed, the Court shall conduct a *de novo* hearing regarding the appropriateness of this Stipulated Order. Should no objection be timely filed, this Stipulated Order shall be deemed final without further notice and/or opportunity for a hearing.

IT IS FURTHER ORDERED that in all other respects, the Plan and Order Confirming Plan shall remain in full force and effect.

[Remainder of Page Intentionally Left Blank]

SO ORDERED, this 19th Day of November, 2021

Dated: November 19, 2021



Gregory L. Taddonio, Judge
United States Bankruptcy Court

Stipulated by:

/s/Samuel M. DiFatta, Esquire
Counsel to Debtor

Stipulated by:

/s/Owen Katz, Esquire
Counsel to Chapter 13 Trustee

Stipulated by:

Counsel to affected creditor

cc: All Parties in Interest to be served by Clerk

In re:
Brian K. Hilliard
Pamela S. Hilliard
Debtors

Case No. 20-21066-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Nov 19, 2021

User: lfin
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 21, 2021:

| Recip ID | Recipient Name and Address |
|----------|---|
| db/jdb | + Brian K. Hilliard, Pamela S. Hilliard, 515 East 1st Avenue, Tarentum, PA 15084-1908 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 21, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 19, 2021 at the address(es) listed below:

| Name | Email Address |
|-------------------------------------|---|
| Andrew M. Lubin | on behalf of Creditor The Bank of New York Mellon f/k/a The Bank of New York as successor in interest to JPMorgan Chase Bank, as Trustee for Centex Home Equity Loan Trust 2004-D alubin@milsteadlaw.com, bkecf@milsteadlaw.com |
| Charles Griffin Wohlrab | on behalf of Creditor The Bank of New York Mellon cwohrlab@raslg.com |
| Jillian Nolan Snider | on behalf of Creditor Ally Financial jsnider@fbtlaw.com agilbert@fbtlaw.com,agilbert@ecf.courtdrive.com |
| Maria Miksich | on behalf of Creditor The Bank of New York Mellon f/k/a The Bank of New York as successor in interest to JPMorgan Chase Bank, as Trustee for Centex Home Equity Loan Trust 2004-D mmiksich@kmlawgroup.com |
| Office of the United States Trustee | ustpreion03.pi.ecf@usdoj.gov |

District/off: 0315-2

User: lfin

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Date Rcvd: Nov 19, 2021

Form ID: pdf900

Total Noticed: 1

Ronda J. Winnecour

cmechf@chapter13trusteedpa.com

Samuel M. DiFatta

on behalf of Debtor Brian K. Hilliard difatta1015@comcast.net richard.gainey@comcast.net;difattasr89351@notify.bestcase.com

Samuel M. DiFatta

on behalf of Joint Debtor Pamela S. Hilliard difatta1015@comcast.net
richard.gainey@comcast.net;difattasr89351@notify.bestcase.com

Sindi Mncina

on behalf of Creditor The Bank of New York Mellon smncina@rascrane.com

TOTAL: 9